IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA, *Plaintiff*	§	
	§	
v.	§	CIVIL ACTION NO. 7:08-cv-66
	§	
10.64 ACRES OF LAND, more or less,	§	
situated in STARR COUNTY, TEXAS;	§	
and UNKNOWN OWNERS, ET AL.,	§	TRACT NO. RGV-RGC-2020E
	§	
Defendant(s).	§	

UNITED STATES' RESPONSE TO
THE DISTRICT COURT'S ORDER FOR A CASE STATUS UPDATE

NOW INTO COURT, by and through undersigned counsel, comes the United States of America, Plaintiff, and in response to the District Court's September 4, 2012, Order to inform the Court on the status of the case; inform the Court of any impediment to resolving the case; and, the prospects of resolution in the near future aver as follows:

This condemnation action was initiated on February 8, 2008 (Docket No. 1). Additionally, one hundred dollars ($100.00) was placed into the Registry of the Court by the United States which occurred on April 18, 2008 (Docket No. 10). The United States of America filed this condemnation after being unable, through due diligence, to locate the owner of the described property. The case remains unresolved.

This case is a Right of Entry case involving a larger parcel that contained land ultimately taken for use in the border fence project. Consequently, this Right of Entry case needs to be consolidated with U.S. v. 1.40 Acres of Land, No. 7:08-cv-197 (Docket No. 1), initiated June 28, 2008; four thousand two hundred dollars ($4,200) was placed into the Registry of the Court on July 1, 2008 Docket No. 5). The United States intends to file a motion with this Court seeking consolidation of the two cases.

There is an open issue in this case concerning just compensation, but the United States has not finalized a title commitment, land survey, or fence alignment through the area of the easement or the accompanying take. The United States expects to finalize the title commitment, land survey, and fence alignment for this tract by August of 2013. Once finalized, the United States will be positioned to file an Amended Declaration of Taking establishing final metes and bounds descriptions of the take and resolving any outstanding access issues.

The United States filed a Certificate of Service by Publication and Mailing in this case and no Landowner appeared or contacted the US Attorney's Office as a result. Given the result of the service by publication and lack of information available to the United States about the Landowner or the Landowner's whereabouts, the United States has been unable to undertake efforts to reach the Landowner by mail or telephone. Therefore, the United States was unable to conference with the Landowner in this case, per the Court's Order.

It is the United States' belief that a finalized title commitment likely will yield information regarding the identity of the Landowner in this matter, and would request that the Court permit the United States additional time to complete the title commitments and land surveys and time to resume efforts to locate the Landowner based upon that new information.

WHEREFORE, premises considered, the United States prays the Court continue the suspension of deadlines in this matter pending final resolution of the title commitment, land survey, and fence alignment in this case.

Respectfully submitted,

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